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REPORT OF THE SECRETARY-GENERAL SUBMITTED PURSUANT TO SECURITY COUNCIL RESOLUTION 981 (1995)

I. INTRODUCTION

1. In paragraph 9 of its resolution 981 (1995) of 31 March 1995, the Security Council invited the Secretary-General to report as appropriate and not less than every four months on progress towards a peaceful settlement in Croatia and on the situation on the ground, including the ability of the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, to implement its mandate as described in that resolution. The Security Council undertook in this connection to examine without delay any recommendations that the Secretary-General might make in his reports and to adopt appropriate decisions. The present report, in conjunction with my report pursuant to paragraphs 4 and 11 of resolution 994 (1995), of 9 June 1995 (S/1995/467), is intended to assist the Council in its consideration of the continuing mandate of UNCRO.

2. The present report reflects events up to 30 July 1995. Given the high degree of uncertainty concerning current developments in Croatia, which are inextricably linked with those in Bosnia and Herzegovina, it is not possible at this time to make a recommendation as to the future of UNCRO. It is therefore my intention to revert to the Security Council shortly on this issue.

II. STRUCTURE OF UNCRO

3. The UNCRO mission is operating on the basis outlined in paragraph 84 of my report (S/1995/222 and Corr. 1 and 2). UNCRO is headed by a civilian Chief of Mission at the assistant secretary-general level, Mr. Byung Suk Min, and has its own military commander, Major-General Eid Kamel Al-Rodan of Jordan. The Chief of Mission is responsible to my Special Representative for the former Yugoslavia for the efficient conduct of all the mission's activities and for ensuring, within his delegated authority, that the tasks of all the components are carried out in accordance with approved mandates and policy guidelines. On behalf of my Special Representative, the Chief of Mission is charged with the responsibility for political negotiations required to implement the mandate of UNCRO and for coordination between the military and civilian components of the mission. The

Chief of Mission reports to my Special Representative, while the military commander is responsible to the Theatre Force Commander, Lt. Gen. Bernard Janvier. As of 20 July 1995, the strength of the military component amounted to 11,059, including 296 United Nations military observers from 21 nations. The headquarters of UNCRO is temporarily located within the United Nations Peace Forces (UNPF) headquarters complex in Zagreb. Its administrative, logistical and public information activities are coordinated at the UNPF headquarters.

III. RECENT DEVELOPMENTS

4. Following the events of early May 1995, when the Croatian Army and police took control of those areas of Western Slavonia (Sector West) previously under Serb control, there have been no further large-scale hostilities. However, nearly continuous skirmishes, exchanges of fire, incidents and troop deployments within the zone of separation and an increased number of violations of the 10- and 20-kilometre heavy weapons withdrawal zones have maintained a high level of tension in the three remaining sectors. These actions, by both sides, have eroded the credibility of the cease-fire agreement to the point where neither side appears committed to its key provisions and both sides use it to denigrate each other. As of 30 July 1995, there were 83 reported violations of the zone of separation, 47 on the Krajina Serb side and 36 on the Croatian side. In addition, there were 78 reported violations of the 10- and 20-kilometre zones: 68 by the Krajina Serbs and 10 by the Croatian Army. Violations of the zone have been a consistent feature of both parties' activities.

5. Despite assurances by the Croatian Government that it would not pursue military objectives before the end of the present UNCRO mandate period and in disregard of the statement by the President of the Security Council on 16 June 1995 (S/PRST/1995/30), the combined attack of the Bosnian Croat forces and the Croatian Army, launched on 4 June 1995 in the Dinara mountains area, has continued and has resulted in the seizure and occupation of positions inside areas covered by the cease-fire agreement. It also indicates a possible decision by the Government to use force to reintegrate the Serb Krajina region. The present military situation, coupled with restrictions on freedom of movement constantly imposed by both sides, has prevented UNCRO from taking any significant remedial action and, in some cases, from even monitoring the situation. Peace-keepers have been unable to position themselves between the warring factions and have been prevented from deploying along the international border.

6. Bosnian Croat forces, apparently supported by Croatian Army elements, have also continued their attacks in the Livansko Polje area adjacent to the Croatian border in Bosnia and Herzegovina, capturing Bosansko Grahovo and Glamoc, putting their forces in a position to threaten Knin directly and cutting the main supply route from Knin to Banja Luka. These forces have now moved closer to the international border and established a blocking position near Strmica. Between 25 June and 30 July, approximately 2,861 Croatian army troops as well as vehicles and equipment have been observed crossing into Bosnia and Herzegovina at Kamensko. As a result of this fighting, 12,000 to 14,000 Serb refugees are now moving in the direction of Banja Luka.

7. The Krajina Serbs are redeploying units to block the Bosnian Croat/Croatian advance and have used small arms, mortars, artillery and airstrikes from the Ubdina airfield to attack Croatian positions within Sector South. During one such air attack on 18 June, an UNCRO observation post came under direct attack, fortunately without significant harm to the Kenyan soldiers occupying it. There has also been regular and frequent shelling by both sides of several villages within the area covered by the cease-fire agreement.

8. Simultaneously, frequent and significant Croatian troop movements near the zone of separation in the area of Sibenik and Sinj, and infiltration into the Velebit mountains inside the zone, have contributed to the general climate of hostility. The Krajina Serbs are convinced that Croatia plans an attack against Sector South, and have responded by occupying two villages within the zone of separation, south of Novigrad. Efforts by my Special Representative and by United Nations commanders to defuse the situation by establishing observation posts and border-monitoring posts have been thwarted by the postponement of a meeting scheduled at United Nations initiative between military commanders.

9. Sector North saw relatively little activity except in the area bordering the Bihac pocket. Fighting between the Bosnian Government Fifth Corps and the separatist forces of Mr. Fikret Abdic, supported by Krajina Serb forces, flared up again. The Fifth Corps attacked Krajina Serb-controlled territory in Sector North on both the east and the west sides of the pocket. This generated a strong reaction from the Krajina Serbs, who used armed helicopters for the first time on 16 July 1995 and launched a major counter-offensive on 19 July 1995. The armed helicopters are likely to be part of a newly established Krajina Serb Special Forces Corps, stationed in the Slunj area. The counter-offensive succeeded in restoring the 1994 confrontation line in the north-west and moving the western confrontation line 3 to 5 kilometres eastwards. These operations in the Bihac pocket have caused some 8,000 civilians to abandon their homes to escape the fighting. They have sought refuge in and around the town of Cazin, where they are being assisted by the local authorities, the International Committee of the Red Cross (ICRC) and the Office of the United Nations High Commissioner for Refugees (UNHCR). The extremely serious humanitarian situation in the pocket is the result of both the fighting and the long-standing denial of access to UNHCR convoys by the Krajina Serb authorities in Knin and Mr. Abdic. The Krajina Serbs' obstruction of humanitarian access to Bihac seems in turn to be having repercussions on UNHCR's assistance programme in the UNCRO sectors in Croatia, as the Croatian Government has recently been reluctant to provide clearance for UNHCR convoys to the sectors.

10. There continues to exist a very real possibility that the fighting in and close to the Bihac pocket will spread and intensify. Should this happen, it would further threaten the Krajina Serb supply route running from Banja Luka via Dvor and Glina to Knin. Consequently, more robust action by the Krajina Serbs is likely and this will risk drawing Croatia into the fighting in and around the Bihac pocket. In line with its actions to the west of Sector South, the Croatian Army has conducted a series of exercises west of Sisak and south-west of Karlovac in the immediate proximity of the zone of separation, which has further increased tension and insecurity. For their part, the Krajina Serbs have also been conducting extensive military training, are now completely mobilized in both Sectors North and South and are in a state of martial law.

11. Sector East has remained mainly quiet; however, an apparently minor incident occurred on 24 June 1995 when three Croatians were captured by the Krajina Serbs while working at the garbage site east of Osijek inside the zone of separation. Their work was being conducted in accordance with an agreement that had been in effect for two years to the satisfaction of both sides. After the consequent closing of the site, the Croatian authorities in Osijek began dumping garbage into the Drava river. The Krajina Serbs responded with mortar fire on the outskirts of Osijek. Further escalation by both parties resulted in the deployment of considerable forces in the zone of separation at the Osijek bridgehead, followed by increased levels of firing. This incident demonstrates the volatility of the situation and how an apparently minor incident can quickly escalate. Determined shuttle diplomacy by the Sector Commander temporarily stabilized the incident and face-to-face negotiations are scheduled at the local level. As of 30 July, the situation in the Osijek area remained stable but tense.

12. UNCRO has continued to try to monitor violations of the cease-fire agreement, but is prevented from doing so satisfactorily by the numerous and permanent restrictions on its freedom of movement. Nor have its efforts to deploy along the international border of Croatia received the necessary cooperation of the Krajina Serbs. Although I am unable to report any progress in the establishment of the full border-monitoring regime set out in my report of 18 April 1995 (S/1995/320), it is to be noted that UNCRO at present has 21 checkpoints and observation posts that monitor and report on cross-border military traffic. In addition, military observers are often able to report upon such traffic. Monitoring during the period from 5 to 30 July indicates a regular pattern of movement into and out of Croatia. A total of 7,946 soldiers with 1,212 vehicles were observed moving into Croatia and 8,610 soldiers with 1,049 vehicles left that country. An additional six border control posts remain to be established and my Special Representative recognizes the need to establish them at the earliest opportunity.

13. In addition to organizational changes, both Croatian and Krajina Serb forces are believed to have acquired new and more numerous military equipment and arms. The Croatians have acquired a minimum of 12 Mig-21 aircraft, are able to deploy a minimum of six armed Mi-24 attack helicopters and have displayed a number of new types of small arms and military vehicles. The quantity of locally developed military equipment, indicates a significant increase in Croatian capabilities. The Krajina Serbs have also recently displayed new arms and equipment, including small arms, night observation devices and some re-engineered naval surface-to-surface missiles. Both sides have improved their qualitative and quantitative military capabilities. Several meetings initiated by UNCRO commanders with each of the parties have failed. Neither side has shown any interest or willingness to take the first step in defusing or regularizing the present dangerous and highly unstable situation. Following the setback suffered by the Krajina Serbs in Western Slavonia (Sector West) in early May, a new military commander has been appointed and has declared his intention to professionalize the army and adopt a new military doctrine. A new Special Forces Corps has been established and located where it can intervene quickly in either Sector South or North. Army discipline has improved, which, in turn, has reduced, but not totally eliminated, robbery, hijackings and threats against UNCRO personnel and equipment.

14. Political trends within the area administered by the Krajina Serbs have also remained volatile. Differences have developed between the regional factions in Sector East, where "separatist tendencies" favour joining the Federal Republic of Yugoslavia (Serbia and Montenegro), and those in Sectors North and South, who tend to favour a union between the Krajina and Bosnian Serbs. This tendency has been compounded by the Krajina Serbs' inability for several weeks to form a so-called "government of unity". However, they appear to have succeeded, in Topusko on 27 July, in appointing a new government. Given the recent call for fresh elections by the authorities in Sector East, it is possible that disunity amongst the Krajina Serbs will compound the difficulties that UNCRO faces in negotiating the implementation of its mandate.

15. Both UNHCR and UNPF have lodged strong protests with the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) in response to reports of the forced mobilization of more than 2,500 Serb refugees who have been sent to Bosnia and Herzegovina and to the Krajina.

The Area of Western Slavonia formerly known as Sector West (Sector West)

16. Some 2,170 Serbs voluntarily left Sector West under Operation Safe Passage during the period from 9 to 30 May 1995. Between 2 June, when the bridge over the Sava river was damaged, and 7 July 1995, UNCRO and representatives of UNHCR assisted a further 130 Serbs to travel to Eastern Slavonia (Sector East) and for 16 to go to Banja Luka via Sector North. Currently, in the former Serb-controlled part of Sector West, there are less than 1,000 Serbs in Pakrac/Gavrinica and about 250 in Okucani, with a further 5,000 or so in the northern part of the Sector. However, reports indicate that a steady trickle of Serb families has been leaving the northern part by their own means, although the precise numbers are unknown.

17. UNHCR and UNCRO are attempting to arrange for the return to Western Slavonia of 84 Serb refugees - 34 of whom are in the Federal Republic of Yugoslavia (Serbia and Montenegro) and 50 in Banja Luka - who have made known their desire to return. The Croatian authorities have, in principle, approved their return. Approval from the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) has been sought, but a reply has yet to be received. The return of even a small number of Serbs would be significant as it would help to restore the confidence of the Serbian community in Sector West and have a positive effect on those who are ambivalent about remaining in Croatia.

18. Of the 1,494 Serbs originally detained by the Croatian authorities after the operation in Sector West in early May, about 130 remain in detention. However, this figure is only an estimate as comprehensive details of the detained have yet to be provided to UNCRO, as have details of the killed or wounded.

19. The Croatian authorities have commenced legal proceedings against Serbs accused of war crimes. On the basis of developments to date, concerns exist as to the specific nature of the charges against the defendants and the extent to which the right to legal counsel is being fully respected. Evidence so far

suggests that the legal process is generally not transparent and that it is subject to political influence.

20. UNCRO, in coordination with humanitarian organizations, including UNHCR, continues to monitor the human rights situation in Sector West. The work of the United Nations Civilian Police has recently been enhanced through increased cooperation with the Croatian police, especially in the southern part of the sector, and improvements such as co-location of United Nations Civilian Police and Croatian police have been agreed at the political level. However, there are some reservations as to how United Nations Civilian Police and the Croatian police will work together in the northern part of the sector.

21. At present, the overall human rights situation is stable but remains fragile. There is no evidence of systematic violations of human rights against the Serb population but there are individual cases of discrimination against, and harassment of, local Serbs, such as lack of access to official documents, denial of property rights, e.g. the return of livestock, and continuing incidents of theft and intimidation. These violations erode the confidence of the community and degrade the status and dignity of the residual Serb population. Meanwhile, UNCRO has continued to support the process of confidence-building and rehabilitation promoted by the Croatian Government, though in some instances it has been difficult to identify concrete evidence of the implementation of the Croatian Government's policy. For example, the provision of funds to Serbs for reconstruction has been relatively slow and many Serbs will not be able to start reconstruction this year. Some actions of the Croatian authorities fail to take sufficient account of the fears of the Serb community. For instance, Croatian officials have recently started registering members of the Serb population in a way that creates the fear that Serb males of military age will be mobilized. These factors, together with continuing reports of intimidation and limited economic opportunities, have produced anxiety and uncertainty, which could generate a new exodus of Serbs.

Prevlaka peninsula

22. The Prevlaka peninsula remains an area of strategic interest to both Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro). Since the meeting of the Joint Inter-State Commission, convened by my Special Representative on 25 April 1995, the area has remained relatively stable, particularly as a result of Croatia ceasing the construction of defence works in the demilitarized zone. Indications of increased readiness to cooperate, for instance in the parties' local bilateral water negotiations, are most welcome. However, the parties' differing interpretations of the established United Nations security modalities remain a potentially destabilizing factor. Furthermore, restrictions of movement upon United Nations military observers, by both parties but particularly the Republic of Montenegro, within the 5-kilometre demilitarized zone, inhibit investigations of incidents and violations. I have asked my Special Representative, in conjunction with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, to continue to mediate between the parties and seek consensus on the modalities envisaged under Security Council resolutions 779 (1992) and 981 (1995).

IV. OBSERVATIONS

23. As stated in paragraph 2 above, I intend to revert shortly to the Security Council with my observations on the foregoing, together with recommendations on the future of UNCRO.